

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

REV KASEY CARROLL,  
Plaintiff,

v.

PATRICK BENNETT, *et al.*,  
Defendants.

Case No. 2:24-cv-02083-APG-NJK

**Order**

Plaintiff, who is in the custody of the Stein Facility, has submitted both a civil rights complaint pursuant to 42 U.S.C. § 1983, Docket No. 1-1, and a petition for writ of habeas corpus, Docket No. 8.

Plaintiff cannot pursue both § 1983 and habeas actions in the same case. *See Nettles v. Grounds*, 830 F.3d 922, 927 (9th Cir. 2016) (reiterating that “habeas is the exclusive vehicle for claims brought by state prisoners that fall within the core of habeas, and such claims may not be brought in a § 1983 action”); *Wilkinson v. Dotson*, 544 U.S. 74, 81–82 (2005) (holding that “a state prisoner’s § 1983 action is barred (absent prior invalidation)—no matter the relief sought (damages or equitable relief), no matter the target of the prisoner’s suit (state conduct leading to conviction or internal prison proceedings)—if success in that action would necessarily demonstrate the invalidity of confinement or its duration”). Plaintiff may pursue either his § 1983 complaint or his habeas petition in this case but not both. He may file the other action in a separate case.

Accordingly, Plaintiff must file a notice with the Court, no later than **February 28, 2025**, indicating whether he: (1) wishes to pursue his § 1983 civil rights complaint, Docket No. 1-1, and strike his habeas petition, Docket No. 8, in this case; or (2) strike his § 1983 civil rights complaint, Docket No. 1-1, and pursue his habeas petition, Docket No. 8, in this case. If Plaintiff does not designate one of these options, the Court will dismiss the entire case without prejudice because

1 Plaintiff cannot proceed simultaneously on both his § 1983 complaint and habeas petition in the  
2 same case.

3 IT IS SO ORDERED.

4 Dated: January 30, 2025

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Nancy J. Koppe  
United States Magistrate Judge  
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